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By ECF

The Honorable Joseph F. Bianco
United States Circuit Judge
United States Court of Appeals for the Second Circuit
100 Federal Plaza
Central Islip, New York 11722

Re: *United States v. Philip A. Kenner & Tommy C. Constantine*
Criminal Docket No. 13-607 (JFB) (E.D.N.Y.)

Dear Judge Bianco:

We represent Owen Nolan, a victim of Philip A. Kenner's fraud and an interested third party to forfeiture in the above-referenced matter.

At the December 10, 2020 hearing, the Court allowed Mr. Nolan and others to file by January 15, 2021 a brief addressing whether Mr. Nolan and CSL Properties 2006, LLC ("CSL") have a constructive trust that would give their claims precedence over those of Danske Bank A/S London Branch ("Danske"). We hereby respectfully request a modest extension of time to file the brief by January 29, 2021. CSL joins us in this request, the Government does not object to it, and Danske opposes it.

As the Court strongly suggested at the December hearing, the parties have been in communication and are currently in the process of exploring a potential negotiated resolution of these ancillary proceedings. If a resolution is reached, all outstanding issues, including the constructive-trust claim, would become moot. As a victim of Mr. Kenner's fraud, Mr. Nolan has very limited resources to engage in this complex and prolonged litigation. We intend to fully prosecute Mr. Nolan's third-party claim and address the question of constructive trust if a negotiated resolution is not within reach. At this time, however, given the parties' productive discussions over the past two weeks, we respectfully ask the Court to extend the current deadline to file the brief to minimize unnecessary legal fees for Mr. Nolan. Instead of further investing time and expense in completing the brief, we believe that our limited resources are currently better spent on negotiating a global resolution that would benefit every party to these proceedings.



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Respectfully submitted,

/s/ Seetha Ramachandran

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cc: All parties of record (via ECF)